

## SEVENTY-THIRD DAY

(Wednesday, May 21, 1969)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Kennard
Blanchard	Mauzy
Bridges	McKool
Brooks	Moore
Christie	Patman
Cole	Ratliff
Connally	Schwartz
Creighton	Snelson
Grover	Strong
Hall	Watson
Harrington	Wilson
Harris	Word
Hazlewood	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

(Senator Word in the Chair.)

## Reports of Standing Committees

Senator Bates submitted the following report:

Austin, Texas,  
May 21, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Transportation to which was referred H. B. No. 84, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BATES, Chairman.  
COLE  
BROOKS  
McKOOOL  
HALL  
HARRINGTON  
CHRISTIE

Senator Cole submitted the following reports:

Austin, Texas,  
May 21, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Youth Affairs, to which was referred S. B. No. 835, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

COLE, Chairman.

Austin, Texas,  
May 21, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Youth Affairs, to which was referred S. B. No. 836, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

COLE, Chairman.

Austin, Texas,  
May 21, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Youth Affairs, to which was referred S. B. No. 837, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute adopted in lieu thereof do pass and be printed.

COLE, Chairman.

C. S. S. B. No. 837 was read the first time.

Austin, Texas,  
May 21, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Youth Affairs, to which was referred H. B. No. 506, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

COLE, Chairman.

Austin, Texas,  
May 21, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Youth Affairs, to which was referred H. B. No. 533, have had the same under

consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

COLE, Chairman.

Austin, Texas,  
May 21, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Youth Affairs, to which was referred H. B. No. 681, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

COLE, Chairman.

Senator Watson submitted the following reports:

Austin, Texas,  
May 21, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Legislative, Congressional and Judicial Districts, to which was referred H. C. R. No. 96, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WATSON, Chairman.  
PATMAN  
AIKIN  
CHRISTIE  
SNELSON  
BROOKS  
MOORE

Austin, Texas,  
May 21, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Legislative, Congressional and Judicial Districts, to which was referred S. B. No. 722, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

WATSON, Chairman.

Austin, Texas,  
May 21, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Legislative, Congressional and Judicial Districts, to which was referred S. C. R. No. 89, have had the same under

consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WATSON, Chairman.

#### Senate Bill 848 on First Reading

Senator Hall moved that Senate Rule 108 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—27

Aikin	Hazlewood
Bates	Herring
Bernal	Hightower
Berry	Jordan
Blanchard	Mauzy
Bridges	McKool
Brooks	Moore
Christie	Patman
Cole	Ratliff
Creighton	Snelson
Grover	Strong
Hall	Watson
Harrington	Word
Harris	

Absent

Connally	Schwartz
Kennard	Wilson

The following bill was then introduced, read first time and referred to the Committee indicated:

By Senator Hall:

S. B. No. 848, A bill to be entitled "An Act amending Chapter 322, Acts of the 59th Legislature, Regular Session, 1965 (Article 2644a, Vernon's Civil Statutes), relating to changing the name of the Board of Regents, State Senior Colleges; and declaring an emergency."

To the Committee on Education.

#### Message From the House

Hall of the House of Representatives,  
Austin, Texas,  
May 21, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 240, A bill to be entitled "An Act amending Article IV of Sen-

ate Bill No. 116, Chapter 334, Acts of the Regular Session, 51st Legislature (the Foundation School Program Act), as last amended by Chapter 721, Acts of the Regular Session of the 60th Legislature, to provide a new teacher and administrator salary schedule with increments for the school year 1969-70, and for the school year 1970-71, and establishing a public school compensation plan or schedule for the school years 1971-72 and thereafter; providing not to exceed 190 teacher service days per year; providing a position description for pay grades included in the compensation schedule; providing for an increase in salary base effective in 1974-75 and providing for another such increase in 1978-79; granting authority to the Central Education Agency to develop policies for administration of salary schedules and position descriptions; amending Section 1 of Article V of the Foundation School Program Act, as last amended by Chapter 1, Acts of the 57th Legislature, 2nd Called Session, to provide an increased operating cost allotment, providing that an operating cost allotment shall also be allotted for vocational teachers; amending subsection (2) of Section 2 of Article V of the Foundation School Program Act as last amended by Chapter 1, Acts of the 57th Legislature, 2nd Called Session, to increase the total base costs for each bus; amending Article VI of the Foundation School Program Act, as last amended by Chapter 721, Acts of the Regular Session of the 60th Legislature, to provide a new method of calculating the Local Fund Assignment for each local school district and prescribing a formula limiting the amount by which the local Fund Assignment shall increase for any one district from one year to the next; providing for re-evaluation of value of taxable property for purposes of this Act; providing for distribution and administration of funds; repealing inconsistent laws; declaring the Act to be severable; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

**House Concurrent Resolution 127  
on Second Reading**

The Presiding Officer laid before the Senate the following resolution:

H. C. R. No. 127, Commending Jimmy Duncan.

The resolution was read.

On motion of Senator Brooks, and by unanimous consent, the resolution was considered immediately and was adopted.

**House Concurrent Resolution 136  
on Second Reading**

The Presiding Officer laid before the Senate the following resolution:

H. C. R. No. 136, Memorial resolution for Mrs. Ben T. Jordan.

The resolution was read.

On motion of Senator Patman, and by unanimous consent, the resolution was considered immediately and was adopted by a rising vote of the Senate.

**House Concurrent Resolution 97  
on Second Reading**

The Presiding Officer laid before the Senate the following resolution:

H. C. R. No. 97, Inviting the Honorable Hubert H. Humphrey to address a Joint Session of the 61st Legislature on a date convenient to him.

The resolution was read.

On motion of Senator Mauzy, and by unanimous consent, the resolution was considered immediately and was adopted.

**House Concurrent Resolution 109  
on Second Reading**

The Presiding Officer laid before the Senate the following resolution:

H. C. R. No. 109, To commend and congratulate "Project Info."

The resolution was read.

On motion of Senator Herring, and by unanimous consent, the resolution was considered immediately and was adopted.

**Senate Bill 465 with  
House Amendment**

Senator Aikin called S. B. No. 465 from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the following House amendment before the Senate:

**Committee Amendment No. 1**

Amend S. B. No. 465 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Section 1.02 of Article 1 of the Texas Mental Health and Mental Retardation Act, (codified as Section 1.02 of Article 5547-201, Vernon's Texas Civil Statutes), is amended to read as follows:

"Sec. 1.02. In this Act,

"(1) 'Department' means the Texas Department of Mental Health and Mental Retardation;

"(2) 'Board' means the Texas Board of Mental Health and Mental Retardation;

"(3) 'Commissioner' means the Commissioner of Mental Health and Mental Retardation;

"(4) 'local agency' means a city, county, hospital district, rehabilitation district, school district, state-supported institution of higher education, state-supported medical school, or any organizational combination of two (2) or more cities, two (2) or more counties, two (2) or more hospital districts, two (2) or more school districts, or two (2) or more cities, counties, hospital districts and school districts;

"(5) 'mental health services' includes all services concerned with research, prevention and detection of mental disorders and disabilities and all services necessary to treat, care for, control, supervise and rehabilitate mentally disordered and disabled persons, including persons mentally disordered and disabled from alcoholism and drug addiction;

"(6) 'mentally retarded person' means any person other than a mentally disordered person, whose mental deficit requires him to have special training, education, supervision, treatment, care or control in his home or community, or in a State school for the mentally retarded;

"(7) 'mental retardation services' includes all services concerned with research, prevention, and the detection of mental retardation and all services related to the education, training, rehabilitation, care, treatment, supervision, and control of mentally retarded persons;

"(8) 'region' means the total geographical area covered by the local agencies participating in the operation of community centers established under this Act;

"(9) 'effective administration' includes continuous in-system planning and evaluation resulting in more efficient fulfillment of the purposes and policies of this Act."

Sec. 2. Sections 2.01, 2.04, 2.13 as amended, and 2.17 as amended of Article 2 of the Texas Mental Health and Mental Retardation Act, (codified as Sections 2.01, 2.04, 2.13 as amended, and 2.17 as amended of Article 5547-202, Vernon's Texas Civil Statutes), are amended to read as follows:

"Sec. 2.01. The Texas Department of Mental Health and Mental Retardation shall consist of a Texas Board of Mental Health and Mental Retardation, a Commissioner of Mental Health and Mental Retardation, a Deputy Commissioner for Mental Health Services, a Deputy Commissioner for Mental Retardation Services, a staff under the direction of the Commissioner and the Deputy Commissioners, and the following facilities and institutions together with such additional facilities and institutions as may hereafter by law be made a part of the Department:

(1) the Central Office of the Department;

(2) the Austin State Hospital;

(3) the San Antonio State Hospital;

(4) the Terrell State Hospital;

(5) the Wichita Falls State Hospital;

(6) the Rusk State Hospital;

(7) the Big Spring State Hospital;

(8) the Confederate Women's Home;

(9) the Kerrville State Hospital and its Legion Annex;

(10) the Vernon Center and Annex;

(11) the Austin State School and its Austin State School Annex;

(12) the Travis State School;

(13) the Mexia State School;

(14) the Abilene State School;

(15) the Lufkin State School;

(16) the Richmond State School;

(17) the Denton State School;

(18) the Corpus Christi State School;

(19) the Lubbock State School;

(20) the Texas Research Institute of Mental Sciences;

(21) the Dallas Neuropsychiatric Institute for Treatment, Research and Teaching;

(22) the Beaumont State Center for Human Development;

(23) the Amarillo State Center for Human Development;

(24) the Fort Worth State Mental Health Out-patient Clinic;

(25) the Dallas State Mental Health Out-patient Clinic;

(26) the Rio Grande State Center for Mental Health and Mental Retardation;

(27) the San Angelo Center;

(28) the Leander Rehabilitation Center.

"Sec. 2.04. The Chairman of the Board shall be the member so designated by the Governor.

"Sec. 2.13. The Department may cooperate, negotiate and contract with local agencies, hospitals, private organizations and foundations, community centers, physicians and persons to plan, develop and provide community-based mental health and mental retardation services.

"Sec. 2.17. From funds available to it the Department is authorized to provide mental health and mental retardation services through the operation of halfway houses, community centers, sheltered workshops and other mental health and mental retardation services programs."

Sec. 3. Sections 3.01, 3.02 as amended, 3.03 as amended, 3.04, 3.05, 3.06, 3.07, 3.08, 3.09, 3.12, 3.14 as amended, and 3.15 of Article 3 of the Texas Mental Health and Mental Retardation Act, (codified as Sections 3.01, 3.02 as amended, 3.03 as amended, 3.04, 3.05, 3.06, 3.07, 3.08, 3.09, 3.12, 3.14 as amended, and 3.15 of Article 5547-203, Vernon's Texas Civil Statutes), are amended to read as follows:

"Sec. 3.01. (a) Local agencies which may establish and operate community centers are a county, a city, a hospital district, a school district, or any organizational combination of two (2) or more of these. When community centers are established by an organizational combination, the governing bodies of such organizational combination shall enter into a contract between or among them which shall stipulate:

(1) the kinds and number of community centers, as that term is defined

in subsection (b) below, which are to be established, and

(2) whether the board of trustees shall consist of not less than five (5) nor more than nine (9) members selected from the governing bodies of the organizational combination, or of not less than five (5) nor more than nine (9) members to be appointed from the qualified voters of the region to be served.

This contract may be re-negotiated or amended from time to time as necessary to provide for the establishment of additional community centers or to change the method of establishing a board of trustees.

"(b) As used in this Act, a 'community center' may be;

(1) a community mental health center, which provides mental health services; or

(2) a community mental retardation center, which provides mental retardation services; or

(3) a community mental health and mental retardation center, which provides mental health and mental retardation services.

"Sec. 3.02. (a) The board of trustees of community centers established by a single city, county, hospital district or school district may be the governing body of the single city, county, hospital district or school district, or that governing body may appoint from among the qualified voters of the region to be served a board of trustees consisting of not less than five (5) nor more than nine (9) persons. If the board of trustees is appointed from the qualified voters of the region to be served, the terms of the members thereof shall be staggered by appointing not less than one-third ( $\frac{1}{3}$ ) nor more than one-half ( $\frac{1}{2}$ ) of the members for one (1) year, or until their successors are appointed, and by appointing the remaining members for two (2) years, or until their successors are appointed. Thereafter, all appointments shall be for a two (2) year period, or until their successors are appointed. Appointments made to fill unexpired terms shall be for the period of the unexpired term, or until a successor is appointed.

"(b) Boards of trustees of community centers established by an organizational combination shall consist of not less than five (5) nor more than nine (9) members selected from

the membership of the governing bodies of the organizational combination, or such governing bodies may jointly appoint a board of trustees from among the qualified voters of the region to be served in the manner authorized in Section 3.02 (a) above.

"Sec. 3.03. This Act shall not affect the validity of community centers and boards of trustees of such centers established and appointed before it becomes effective; provided, however, this provision shall not be construed to preclude reconstitution of community centers and the board of trustees of such centers as authorized by this Act. This Act shall not affect the validity of board selection committees appointed by an organizational combination of more than six (6) local agencies under authority of Section 3.02(a), Acts 59th Legislature, Regular Session, 1965, as amended. All other board selection committees are abolished and appointments to fill vacancies on boards of trustees of these centers shall be made by the governing bodies which participated in the establishment of the centers.

"Sec. 3.04. The boards of trustees shall make rules to govern the holding of regular and special meetings. All meetings are open to the public, except meetings to deliberate the appointment of a director. A majority of the membership of the board of trustees shall constitute a quorum for the transaction of business. The board shall keep a record of its proceedings, and the record is open to inspection by the public.

"Sec. 3.05. The board of trustees is responsible for the administration of community centers.

"Sec. 3.06. Boards of trustees may appoint advisory committees, medical committees and other committees to advise the board on matters relating to the administration of mental health and mental retardation services. No such committee shall consist of less than five (5) members; and the appointment of such committees shall not relieve the board of trustees of final responsibility and accountability as provided in this Act.

"Sec. 3.07. The board of trustees shall appoint a director for each community center. The board may delegate powers to the director subject to the policy direction of the board.

"Sec. 3.08. The board or director may employ and train personnel for

the administration of the various programs and services of a community center. The board shall provide appropriate rights, privileges and benefits to the employees of a community center consistent with those rights, privileges and benefits available to employees of the governing bodies which establishes the center. The number of employees and their salaries shall be as prescribed by the board of trustees, as approved by the governing body or bodies of the local agency establishing the center.

"Sec. 3.09. Each participating local agency may contribute lands, buildings, facilities, personnel and funds for the administration of the various programs and services of a community center.

"Sec. 3.12. The board of trustees may make rules, consistent with the purposes, policies, principles, and standards provided by this Act to regulate the administration of mental health or mental retardation services by a community center, and may make contracts with local agencies and with qualified persons and organizations to provide portions of these services. A community center may provide services to persons voluntarily seeking assistance and to persons legally committed to that community center. A board of trustees may, with the approval of the State mental health authority, contract with the governing bodies of other counties and cities to provide mental health and mental retardation services to residents of such cities and counties.

"Sec. 3.14. A community center shall provide services free of charge to indigent persons. It shall charge reasonable fees, to cover costs, for services provided to non-indigent persons. In collecting fees for the treatment of non-indigent persons, a community center has the same rights, privileges, and powers granted by law to the Texas Department of Mental Health and Mental Retardation. The county or district attorney of counties where community centers are located shall, when requested by the director of a community center, represent the community center in the collection of fees for services provided non-indigent persons.

"Sec. 3.15. The Department shall provide to local agencies, boards of trustees and directors assistance, advice and consultation in the planning, development and operation of community centers."

Sec. 4. Article 4 of the Texas Mental Health and Mental Retardation Act, (codified as Article 5547-204, as amended, Vernon's Texas Civil Statutes), is amended to read as follows:

**"ARTICLE 4. STATE  
GRANTS-IN-AID**

**"Rules and regulations of the  
Department**

"Sec. 4.01. (a) The Department shall prescribe such rules, regulations and standards, not inconsistent with the Constitution and laws of this State, as it considers necessary and appropriate to insure adequate provision of mental health and mental retardation services by community centers.

(b) Before any rule, regulation or standard is adopted the Department shall give notice and opportunity to interested persons to participate in the rule making.

"(c) The rules, regulations and standards adopted by the Department under this Section shall be filed with the Secretary of State and shall be published and available on request from the Secretary of State.

"(d) A copy of these rules shall be sent to each community center established in this State.

**"Plan**

"Sec. 4.02. As soon as possible after its establishment the board of trustees shall submit to the Department:

"(1) a copy of the contract between the participating local agencies, if applicable;

"(2) a plan within the projected financial, physical and personnel resources of the region to be served to develop and make available to the residents of the region an effective mental health or mental retardation services program, or both, through a community center or centers.

**"Eligibility for grants-in-aid**

"Sec. 4.03. A community center is eligible to receive State grants-in-aid if it qualifies according to the rules and regulations of the Department. It is specifically provided, however, that the Department may require that such grants of State funds be matched by local support in such proportions and amounts as may be determined by the Department. For the purpose of calculating the local share of the operating costs of a community center, patient fee income, services and facilities contributed by local community centers may be counted as local support. To fa-

cilitate the administration of such funds, the Department may make periodic allocations of such grants to community centers on the basis of operating budgets submitted to it by the community centers in such form as the Department may require, but shall, periodically during the fiscal period covered by such operating budgets, make such adjustments, upward or downward, as may be necessary equitably to apportion such operating costs between the State government and the community centers.

**"Auditing procedures**

"Sec. 4.04. The board of trustees of a community center, as a condition precedent to its receiving further grants under this Act, shall annually have the accounts of the center audited by a Texas certified or public accountant licensed by the Texas State Board of Public Accountancy. Such audit shall meet at least the minimum requirements as shall be, and in such form as may be, prescribed by the Department and approved by the State Auditor. A copy of each such annual audit, approved by the board of trustees of the community center, shall be filed by the community center with the Department on such date as the Department may specify. Where the board of trustees declines or refuses to approve the audit report, it shall nevertheless file with the said Department a copy of the audit report with its statement detailing its reasons for failure to approve the report. In addition to the copy furnished the Department, copies of each audit report shall be submitted to the Governor, the Legislative Budget Board and the Legislative Audit Committee. The Commissioner and the State Auditor, on behalf of the Department and the Legislative Audit Committee, respectively, shall have access to all vouchers, receipts, journals and other records as either may deem needed and appropriate for the review and analysis of audit reports."

Sec. 5. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 6. Section 2.09, Chapter 67, Acts 59th Legislature, Regular Session, 1965, (codified as Section 2.09

of Article 5547-202, Vernon's Texas Civil Statutes), is repealed.

Sec. 7. The need to clarify State and local responsibilities under the Mental Health and Mental Retardation Act, and the crowded condition of the calendar in each House create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended, and this Act shall take effect and be in force from and after September 1, 1969, and it is so enacted.

Senator Aikin moved that the Senate concur in the House amendment.

The motion prevailed.

#### Conference Committee on House Bill 80

Senator Brooks called from the President's Table for consideration at this time, the request of the House for a Conference Committee to adjust the differences between the two Houses on H. B. No. 80 and moved that the request be granted.

The motion prevailed.

The Presiding Officer asked if there were any motions to instruct the Conference Committee on H. B. No. 80 before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment by the President of the following conferees on the part of the Senate on the bill: Senators Brooks, Cole, Herring, Christie and Bates.

#### Reports of Standing Committee

Senator Blanchard, by unanimous consent, submitted the following reports:

Austin, Texas,  
May 21, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Insurance, to which was referred H. B. No. 190, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BLANCHARD, Chairman.

Austin, Texas,  
May 21, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Insurance, to which was referred S. B. No. 192, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

BLANCHARD, Chairman.

Austin, Texas,  
May 21, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Insurance, to which was referred H. B. No. 1128, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BLANCHARD, Chairman.

Austin, Texas,  
May 21, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Insurance, to which was referred H. B. No. 108, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

BLANCHARD, Chairman.

Austin, Texas,  
May 21, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Insurance, to which was referred S. C. R. No. 92, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BLANCHARD, Chairman.

Austin, Texas,  
May 21, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Insurance, to which was referred S. B. No. 588, have had the same under consideration, and I am instructed to report it back to the Senate with the recom-



mentation that it do pass as amended and be printed.

BLANCHARD, Chairman.

#### Senate Concurrent Resolution 95

Senator Bates offered the following resolution:

S. C. R. No. 95, Requesting House of Representatives to return H. B. No. 847 to the Senate for further consideration.

Whereas, The Senate has passed H. B. No. 847 and returned it to the House of Representatives; and

Whereas, The Senate has reconsidered the vote by which H. B. No. 847 has finally passed and desires the return of this bill for further consideration; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the House be and is hereby requested to return to the Senate for further consideration H. B. No. 847.

The resolution was read.

On motion of Senator Bates, and by unanimous consent, the resolution was considered immediately and was adopted.

(President in the Chair.)

#### Message From the House

Hall of the House of Representatives,  
Austin, Texas,  
May 21, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 1416, A bill to be entitled "An Act amending Acts 1933, 43rd Legislature, First Called Session, Page 198, Chapter 75, as amended by Acts 1935, 44th Legislature, First Called Session, Page 1615, Chapter 410 (codified as Article 8280-106, Vernon's Texas Civil Statutes), by amending Section 4 of said Article 8280-106, to add a tenth member to the board of directors; to change the qualifications of directors but providing the board of directors shall be a state board; to conform the fees to directors to the provisions of general law; to change the number of directors required for certain action

from five (5) to six (6); containing other provisions related to the subject; providing that this Act shall not affect the present Board of Directors; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

#### House Bill 1049 on Second Reading

On motion of Senator Aikin, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 1049, A bill to be entitled "An Act amending Statutes concerning the submission date of the Governor's Budget; and declaring an emergency."

The bill was read second time and passed to third reading.

#### House Bill 1049 on Third Reading

Senator Aikin moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that H. B. No. 1049 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Kennard
Blanchard	Mauzy
Bridges	McKool
Brooks	Moore
Christie	Patman
Cole	Ratliff
Connally	Schwartz
Creighton	Snelson
Grover	Strong
Hall	Watson
Harrington	Wilson
Harris	Word
Hazlewood	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### Final Passage of House Bill 434

Senator Schwartz moved the final passage of H. B. No. 434.

Question—Shall H. B. No. 434 be finally passed?

The bill (H. B. No. 434) was again finally passed by the following vote:

**Yeas—31**

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Kennard
Blanchard	Mauzy
Bridges	McKool
Brooks	Moore
Christie	Patman
Cole	Ratliff
Connally	Schwartz
Creighton	Snelson
Grover	Strong
Hall	Watson
Harrington	Wilson
Harris	Word
Hazlewood	

**Committee Substitute  
House Bill 79 on Second Reading**

On motion of Senator Bernal, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C. S. H. B. No. 79, A bill to be entitled "An Act authorizing and directing the Board of Regents of The University of Texas System to establish and maintain a dental branch of The University of Texas System; authorizing the board to determine the location and name of the school and to prescribe courses leading to customary degrees, to award such degrees, and to make rules and regulations for the operation, control, and management of the school including the determination of the number of students that shall be admitted; authorizing the execution of affiliation or coordinating agreements and joint appointments; authorizing the acceptance of gifts, grants, and donations from any source in aid of the planning, establishment, conduct, and operation of the school authorized by this Act, and in aid of the teaching and research conducted therein; providing for severability; and declaring an emergency."

The bill was read second time and passed to third reading.

**Committee Substitute  
House Bill 79 on Third Reading**

Senator Bernal moved that the Con-

stitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that C. S. H. B. No. 79 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—31**

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Kennard
Blanchard	Mauzy
Bridges	McKool
Brooks	Moore
Christie	Patman
Cole	Ratliff
Connally	Schwartz
Creighton	Snelson
Grover	Strong
Hall	Watson
Harrington	Wilson
Harris	Word
Hazlewood	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—31**

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Kennard
Blanchard	Mauzy
Bridges	McKool
Brooks	Moore
Christie	Patman
Cole	Ratliff
Connally	Schwartz
Creighton	Snelson
Grover	Strong
Hall	Watson
Harrington	Wilson
Harris	Word
Hazlewood	

**House Bill 481 on Second Reading**

Senator Berry asked unanimous consent to suspend the regular order of business and take up H. B. No. 481 for consideration at this time.

There was objection.

Senator Berry then moved to suspend the regular order of business and take up H. B. No. 481 for consideration at this time.

The motion prevailed by the following vote:

## Yeas—29

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Berry	Mauzy
Bridges	McKool
Brooks	Moore
Christie	Patman
Cole	Ratliff
Connally	Schwartz
Creighton	Snelson
Hall	Strong
Harrington	Watson
Harris	Wilson
Hazlewood	Word
Herring	

## Nays—2

Blanchard	Grover
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The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 481, A bill to be entitled "An Act relating to transferring jurisdiction and control of the Institute of Texas Cultures, the Texas State Exhibits Building at HemisFair 1968, and all lands and improvements relating thereto to the Board of Regents of The University of Texas System; etc., and declaring an emergency."

The bill was read second time and was passed to third reading.

## House Bill 481 on Third Reading

Senator Berry moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 481 be placed on its third reading and final passage.

## Yeas—30

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Kennard
Bridges	Mauzy
Brooks	McKool
Christie	Moore
Cole	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Snelson
Hall	Strong
Harrington	Watson
Harris	Wilson
Hazlewood	Word

## Nays—1

Blanchard
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—30

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Kennard
Bridges	Mauzy
Brooks	McKool
Christie	Moore
Cole	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Snelson
Hall	Strong
Harrington	Watson
Harris	Wilson
Hazlewood	Word

## Nays—1

Blanchard
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(Senator Schwartz in the Chair.)

## House Bill 1217 on Second Reading

On motion of Senator Berry, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 1217, A bill to be entitled "An Act relating to depository interest on State Funds; and declaring an emergency."

The bill was read second time.

Senator Berry offered the following Committee Amendment to the bill:

Amend H. B. No. 1217 by striking all below the enacting clause and substituting the following:

Section 1. Chapter 1, Title 47, Revised Civil Statutes of Texas, 1925, as amended, is amended by adding an Article 2543d to read as follows:

"Article 2543d. Disposition of Interest on Time Deposits.

"Section 1. Interest received on account of time deposits of moneys in funds and accounts in the charge of the State Treasurer shall be allocated as follows: To each constitutional fund there shall be credited the pro rata portion of the interest received due to such fund. The remainder of the interest received, with the exception of that portion required by other

statutes to be credited on a prorata basis to protested tax payments, shall be credited to the General Revenue Fund. The interest received shall be allocated on a monthly basis.

"Section 2. Whenever a deficit occurs in the General Revenue Fund, the State Treasurer may place with any designated depository bank an offsetting compensating balance in a special depository account known as 'Special Demand Account Secured by General Revenue Warrants Only.'

Sec. 3. As to the proper interpretation and application of this Article, the State Treasurer is entitled to reply upon the opinion and advice of the Attorney General."

Sec. 2. If any provision of this Act is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 3. Any and all laws, general and special, in conflict with the provisions of this Act are repealed to the extent of such conflict only.

Sec. 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and said Rule is hereby suspended, and this Act shall take effect from and after its passage, and it is so enacted.

The Committee Amendment was read and was adopted.

Senator Berry offered the following Committee Amendment to the bill:

Amend House Bill No. 1217 by striking all above the enacting clause and substituting the following:

#### A BILL TO BE ENTITLED

"An Act amending Chapter 1, Title 47, Revised Civil Statutes of Texas, 1925, as amended, by adding an Article 2543d, relating to depository interest on state funds; permitting the state treasurer to place an offsetting compensating balance in a special depository account whenever a deficit occurs in the general revenue fund; providing for severability; repealing laws in conflict; and declaring an emergency."

The Committee Amendment was read and was adopted.

The bill as amended was passed to third reading.

#### House Bill 1217 on Third Reading

Senator Berry moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that H. B. No. 1217 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Kennard
Blanchard	Mauzy
Bridges	McKool
Brooks	Moore
Christie	Patman
Cole	Ratliff
Connally	Schwartz
Creighton	Snelson
Grover	Strong
Hall	Watson
Harrington	Wilson
Harris	Word
Hazlewood	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Kennard
Blanchard	Mauzy
Bridges	McKool
Brooks	Moore
Christie	Patman
Cole	Ratliff
Connally	Schwartz
Creighton	Snelson
Grover	Strong
Hall	Watson
Harrington	Wilson
Harris	Word
Hazlewood	

#### Reports of Standing Committees

Senator Hall, by unanimous consent, submitted the following reports:

Austin, Texas,  
May 21, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on County, District and Urban Affairs to which was referred H. B. No. 1373, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.  
WORD  
CONNALLY

Austin, Texas,  
May 21, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on County, District and Urban Affairs to which was referred H. B. No. 1374, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.  
WORD  
CONNALLY

Austin, Texas,  
May 21, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on County, District and Urban Affairs to which was referred H. B. No. 1372, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.  
WORD  
CONNALLY

Austin, Texas,  
May 20, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on County, District and Urban Affairs to which was referred H. B. No. 1382, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.  
WORD

Senator Hightower, by unanimous consent, submitted the following report:

Austin, Texas,  
May 21, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Contingent Expenses, to which was referred H. C. R. No. 112, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HIGHTOWER, Chairman.  
AIKIN  
HALL  
WORD

Senator Hall, by unanimous consent, submitted the following report:

Austin, Texas,  
May 20, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on County, District and Urban Affairs to which was referred H. B. No. 754, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.  
WORD

Senate Bill 588 Ordered Not Printed

On motion of Senator Strong and by unanimous consent S. B. No. 588 was ordered not printed.

(President in the Chair.)

House Bill 1371 Ordered Not Printed

On motion of Senator Strong and by unanimous consent H. B. No. 1371 was ordered not printed.

House Bill 1372 Ordered Not Printed

On motion of Senator Strong and by unanimous consent H. B. No. 1372 was ordered not printed.

House Bill 1373 Ordered Not Printed

On motion of Senator Strong and by unanimous consent H. B. No. 1373 was ordered not printed.

House Bill 1374 Ordered Not Printed

On motion of Senator Strong and by unanimous consent H. B. No. 1374 was ordered not printed.

Committee Substitute

House Bill 107 on Second Reading

Senator Word asked unanimous consent to suspend the regular order of business and take up C. S. H. B.

No. 107 for consideration at this time.

There was objection.

Senator Word then moved to suspend the regular order of business and take up C. S. H. B. No. 107 for consideration at this time.

The motion prevailed by the following vote:

#### Yeas—24

Aikin	Hazlewood
Bates	Hightower
Bernal	McKool
Berry	Moore
Blanchard	Patman
Bridges	Ratliff
Christie	Schwartz
Connally	Snelson
Grover	Strong
Hall	Watson
Harrington	Wilson
Harris	Word

#### Nays—6

Brooks	Herring
Cole	Jordan
Creighton	Mauzy

#### Absent

Kennard

The President laid before the Senate on its second reading and passage to third reading:

C. S. S. B. No. 107, A bill to be entitled "An Act relating to the grading, classification, and sale of eggs; amending Sections 3, 4, 8 and 9, Chapter 133, Acts of the 55th Legislature, Regular Session, 1957, as amended (Article 165-8, Vernon's Texas Civil Statutes), and adding a new Section 16a; and declaring an emergency."

The bill was read second time.

Senator Mauzy offered the following amendment to the bill:

Amend the Senate Committee Substitute for House Bill 107 by striking out Section 5 and renumbering the following sections to be consecutive.

The amendment was read.

On motion of Senator Word, the amendment was tabled.

Senator Christie offered the following amendment to the bill:

Amend H. B. 107 by deleting that language found on lines 37 and 38, page 2 of the bill, to wit:

"Imported eggs shall be labeled 'Imported Eggs' from foreign country where produced."

and re-number the following sections to conform thereto.

The amendment was read.

Senator Word moved to table the amendment.

(Senator Schwartz in the Chair.)

The motion to table prevailed by the following vote:

#### Yeas—19

Aikin	McKool
Bates	Moore
Berry	Patman
Blanchard	Ratliff
Connally	Schwartz
Grover	Strong
Hall	Watson
Harrington	Wilson
Hazlewood	Word
Hightower	

#### Nays—11

Bernal	Harris
Bridges	Herring
Brooks	Jordan
Christie	Mauzy
Cole	Snelson
Creighton	

#### Absent

Kennard

The bill was passed to third reading.

#### Record of Votes

Senators Christie, Brooks, Mauzy, Bridges, Creighton, Jordan, Cole and Harris asked to be recorded as voting "Nay" on the passage of the bill to third reading.

#### Motion to Place

#### House Bill 107 on Third Reading

Senator Word moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that H. B. No. 107 be placed on its third reading and final passage.

The motion was lost by the following vote: (not receiving fourth vote of the Members present.)

## Yeas—22

Aikin	Hightower
Bates	McKool
Bernal	Moore
Berry	Patman
Blanchard	Ratliff
Bridges	Schwartz
Connally	Snelson
Grover	Strong
Hall	Watson
Harrington	Wilson
Hazlewood	Word

## Nays—8

Brooks	Harris
Christie	Herring
Cole	Jordan
Creighton	Mauzy

## Absent

Kennard

## Reports of Standing Committee

Senator Connally, by unanimous consent, submitted the following reports:

Austin, Texas,  
May 20, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Parks and Wildlife to which was referred H. B. No. 1403, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CONNALLY, Chairman.  
BLANCHARD

Austin, Texas,  
May 20, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Parks and Wildlife to which was referred H. B. No. 1437, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CONNALLY, Chairman.  
BLANCHARD

### House Concurrent Resolution 112 Ordered Not Printed

On motion of Senator Ratliff and by unanimous consent H. C. R. No. 112 was ordered not printed.

(President in the Chair.)

### House Concurrent Resolution 112 on Second Reading

The President laid before the Senate on its second reading:

H. C. R. No. 112, Creating a Committee on State and Local Tax Policy.

The resolution was read.

On motion of Senator Ratliff, and by unanimous consent, the resolution was considered immediately and was adopted.

### House Bill 1390 on Second Reading

On motion of Senator Brooks, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 1390, A bill to be entitled "An Act ratifying and validating all proceedings and actions had and taken by the governing body of Harris County Water Control and Improvement District No. 81; etc.; and declaring an emergency."

The bill was read second time and passed to third reading.

### House Bill 1390 on Third Reading

Senator Brooks moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that H. B. No. 1390 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—31

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Kennard
Blanchard	Mauzy
Bridges	McKool
Brooks	Moore
Christie	Patman
Cole	Ratliff
Connally	Schwartz
Creighton	Snelson
Grover	Strong
Hall	Watson
Harrington	Wilson
Harris	Word
Hazlewood	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### House Bill 664 on Second Reading

On motion of Senator Herring, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 664, A bill to be entitled "An Act relating to the design and construction of buildings and improvements at facilities under control and management of the Texas Department of Mental Health and Mental Retardation; etc.; and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 664 on Third Reading

Senator Herring moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that H. B. No. 664 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Kennard
Blanchard	Mauzy
Bridges	McKool
Brooks	Moore
Christie	Patman
Cole	Ratliff
Connally	Schwartz
Creighton	Snelson
Grover	Strong
Hall	Watson
Harrington	Wilson
Harris	Word
Hazlewood	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Bates
-------	-------

Bernal	Hightower
Berry	Jordan
Blanchard	Kennard
Bridges	Mauzy
Brooks	McKool
Christie	Moore
Cole	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Snelson
Hall	Strong
Harrington	Watson
Harris	Wilson
Hazlewood	Word
Herring	

#### House Bill 1070 on Second Reading

On motion of Senator Moore, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 1070, A bill to be entitled "An Act relating to regulation of the transportation, storage, handling, and use of flammable liquids; providing for enforcement and penalties; and declaring an emergency."

The bill was read second time.

Senator Moore offered the following amendment to the bill:

Amend H. B. 1070 by adding the following paragraph at the end of Section 9 of the Act:

"Provided that no provision of this Act shall prevent any person affected or aggrieved by any municipal or county ordinance, rule or regulation referred to hereinabove in force and effect on the effective date of this Act from seeking a judicial determination as to the validity or constitutionality of such ordinance, rule or regulation or the validity of this application to such person under the rules of this State."

The amendment was read and was adopted.

Senator Strong offered the following amendment to the bill:

Amend H. B. 1070 by adding a new Section 2(c). The rules and regulations promulgated shall not in any manner affect the operation of any retail service station in the dispensing and sale of gasoline. Nothing in this Act may be interpreted as prohibiting self-service gasoline station



operations, which type operations are hereby declared to be legal operations.

The amendment was read and was adopted.

The bill as amended was passed to third reading.

#### Reports of Standing Committees

Senator Creighton, by unanimous consent, submitted the following report:

Austin, Texas,  
May 21, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred H. B. No. 1336, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CREIGHTON, Chairman.

Senator Hall, by unanimous consent, submitted the following reports:

Austin, Texas,  
May 20, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on County, District and Urban Affairs to which was referred H. B. No. 808, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman  
HARRINGTON  
WORD

Austin, Texas,  
May 20, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on County, District and Urban Affairs to which was referred H. B. No. 1011, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman  
CONNALLY  
WORD

Senator Aikin, by unanimous consent, submitted the following report:

Austin, Texas,  
May 20, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Education to which was referred H. B. No. 1063, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman  
BERNAL  
HALL  
CONNALLY  
MAUZY  
HIGHTOWER  
WORD  
JORDAN  
BATES  
RATLIFF

Senator Hightower, by unanimous consent, submitted the following report:

Austin, Texas,  
May 14, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Contingent Expenses to which was referred S. R. No. 755, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended, and be printed.

HIGHTOWER,  
Chairman  
WORD  
KENNARD  
AIKIN  
HALL

#### Committee Substitute

#### House Bill 156 on Second Reading

Senator Bernal asked unanimous consent to suspend the regular order of business and take up H. B. No. 156 for consideration at this time.

There was objection.

Senator Bernal then moved to suspend the regular order of business and take up H. B. No. 156 for consideration at this time.

The motion prevailed by the following vote:

Yeas—22

Bates	Bridges
Bernal	Brooks
Berry	Christie

Cole  
Hall  
Harrington  
Herring  
Hightower  
Jordan  
Kennard  
Mauzy

McKool  
Patman  
Schwartz  
Snelson  
Strong  
Watson  
Wilson  
Word

#### Nays—9

Aikin  
Blanchard  
Connally  
Creighton  
Grover

Harris  
Hazlewood  
Moore  
Ratliff

The President laid before the Senate on its second reading and passage to third reading:

C. S. H. B. No. 156, A bill to be entitled "An Act relating to the establishment and operation of a minimum wage; providing a penalty; and declaring an emergency."

The bill was read second time.

Senator Moore offered the following amendment to the bill:

Amend Committee Substitute for H. B. 156 by striking subsection (j) of Section 3.

The amendment was read and was adopted.

Senator Moore offered the following amendment to the bill:

Amend Committee Substitute for H. B. 156 by striking subsection (e) of Section 7 and substituting the following:

(e) At any time that data readily available to the commissioner indicates a change in conditions, the commissioner of agriculture shall reconsider whether or not to set a new piece rate scale under Subsection (b) of this section. The commissioner of agriculture shall reconsider the established piece rate scale at least once a year to determine whether or not a new scale is needed.

The amendment was read and was adopted.

Senator Moore offered the following amendment to the bill:

Amend Committee Substitute for H. B. 156 by striking subsection (b) of Section 7 and substituting the following:

(b) The commissioner of agriculture shall determine a piece rate scale equivalent to the prevailing wage for other agricultural workers as provided under Section 6(a) of this Act. Any agency of the state (except the Texas Employment Commission) having data available which may be useful to the commissioner of agriculture in establishing a piece rate scale shall furnish such information to the commissioner of agriculture. The first piece rate scale determination must be made before February 1, 1970.

The amendment was read and was adopted.

Senator Blanchard offered the following amendment to the bill:

Amend Committee Substitute House Bill 156, Sec. 13, Subsection c, by striking Subsection c, (1), (2), (3) and (4) and substituting in lieu thereof the following:

(c) At the trial of any cause of action brought under this section, the plaintiff shall recover if the jury or the court finds from a preponderance of the evidence that

(1) the plaintiff or plaintiffs are or have been employed by the defendant at any time during the two (2) years immediately preceding the institution of the suit;

(2) the defendant has failed, up until the time of the filing of the suit, to furnish plaintiff or plaintiffs a statement or statements of earnings as required by Sec. 11 of this Act;

(3) the original petition filed by or on behalf of plaintiff or plaintiffs contained a verified demand for the defendant to furnish the statement or statement of wages paid;

(4) the defendant persisted in failing or refusing to furnish the statement or statements; and

(5) that the defendant had failed to pay to plaintiff or plaintiffs the minimum wage as set forth in Sec. 5, 6 or 7 of this Act.

The amendment was read.

(Senator Moore in the Chair.)

Senator Bernal moved to table the amendment.

Question on the motion to table, "Yeas" and "Nays" were demanded.

The motion to table prevailed by the following vote:

**Yeas—16**

Bates	Harrington
Bernal	Jordan
Berry	Kennard
Bridges	Mauzy
Brooks	McKool
Christie	Patman
Cole	Schwartz
Hall	Wilson

**Nays—15**

Aikin	Hightower
Blanchard	Moore
Connally	Ratliff
Creighton	Snelson
Grover	Strong
Harris	Watson
Hazlewood	Word
Herring	

(President in the Chair.)

Pending discussion by Senator Blanchard of the bill, Senator Grover moved that the Senate take recess until 2:00 o'clock p.m. today.

Senator Creighton made a substitute motion that the Senate take recess until 8:00 o'clock a.m. tomorrow.

Senator Word made a substitute motion that the Senate take recess until 3:30 o'clock p.m. today.

Question first on the motion to take recess until 8:00 o'clock a.m. tomorrow, the motion was lost.

Question next on the motion to take recess until 3:30 o'clock p.m. today, the motion was lost.

Question next on the motion to take recess until 2:00 o'clock p.m. today, the motion was lost.

On motion of Senator Bernal, and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

**Record of Votes**

Senators Hazlewood, Snelson, Connally, Word, Grover, Harris, Ratliff, Aikin and Watson asked to be recorded as voting "Nay" on the passage of the bill to third reading.

**Vote on Reconsideration of Final Passage of House Bill 874 Withdrawn**

On motion of Senator Schwartz, and by unanimous consent, the motion to

reconsider the vote on final passage of H. B. No. 874, which he made on Friday, May 16, 1969, was withdrawn.

**Vote on Reconsideration of Final Passage of House Bill 547 Withdrawn**

On motion of Senator Schwartz, and by unanimous consent, the motion to reconsider the vote on final passage of H. B. No. 547, which he made on Friday, May 16, 1969, was withdrawn.

**Vote on Reconsideration of Final Passage of House Bill 933 Withdrawn**

On motion of Senator Schwartz, and by unanimous consent, the motion to reconsider the vote on final passage of H. B. No. 933, which he made on Friday, May 16, 1969, was withdrawn.

**Vote on Reconsideration of Final Passage of House Bill 934 Withdrawn**

On motion of Senator Schwartz, and by unanimous consent, the motion to reconsider the vote on final passage of H. B. No. 934, which he made on Friday, May 16, 1969, was withdrawn.

**Vote on Reconsideration of Final Passage of House Bill 1273 Withdrawn**

On motion of Senator Schwartz, and by unanimous consent, the motion to reconsider the vote on final passage of H. B. No. 1273, which he made on Friday, May 16, 1969, was withdrawn.

**Vote on Reconsideration of Final Passage of House Bill 1335 Withdrawn**

On motion of Senator Schwartz, and by unanimous consent, the motion to reconsider the vote on final passage of H. B. No. 1335, which he made on Friday, May 16, 1969, was withdrawn.

**Bills and Resolutions Signed**

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills and resolutions:

S. B. No. 356, A bill to be entitled "An Act authorizing the creation, establishment, maintenance, and operation of a hospital district coterminus with the territory of Willacy County, Texas; etc.; and declaring an emergency."

S. C. R. No. 46, Providing for continuation of the Committee for the Study of Land Use and Environmental Control.

H. B. No. 934, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under and essential to the purposes of Article 16, Section 59 of the Constitution of Texas, to be known as 'Fondren Lake Municipal Utility District'; etc.; and declaring an emergency."

H. B. No. 1273, A bill to be entitled "An Act validating all governmental acts of the Board of Directors of the Blue Ridge Municipal Utility District or relating to the district; etc.; and declaring an emergency."

H. B. No. 933, A bill to be entitled "An Act validating all proceedings and actions taken in the creation of the Ridgemont Municipal Utility District and the purposes for which it was created; etc.; and declaring an emergency."

H. B. No. 547, A bill to be entitled "An Act validating Fort Bend County Water Control and Improvement District No. 2 and declaring it to be a validly existing and operating conservation and reclamation district under Section 59, Article XVI, Texas Constitution, etc.; and declaring an emergency."

H. B. No. 58, A bill to be entitled "An Act relating to validating boundary lines of certain cities and towns; and declaring an emergency."

H. C. R. No. 45, Allowing Texas A & M University to acquire certain property for the Texas Agricultural Experiment Station.

H. B. No. 188, A bill to be entitled "An Act amending Section 1 of Chapter 98, Acts of the 60th Legislature, Regular Session, 1967, relating to the airport in Brazos County now operated under the supervision of the Board of Directors of Texas A&M University; etc.; and declaring an emergency."

H. B. No. 189, A bill to be entitled "An Act authorizing the creation of the Brazos County, Texas, Airport Authority in Brazos County, Texas; etc.; and declaring an emergency."

H. B. No. 248, A bill to be entitled "An Act amending Statutes relating to the rule-making authority of the Water Well Drillers Board; etc.; and declaring an emergency."

H. B. No. 528, A bill to be entitled "An Act relating to separate facilities for different races in mines; etc.; and declaring an emergency."

H. B. No. 330, A bill to be entitled "An Act relating to and fixing the maximum salaries of the Official Shorthand Reporters for the 103rd, 107th, and 138th Judicial Districts of Texas; and declaring an emergency."

H. B. No. 684, A bill to be entitled "An Act amending statutes relating to qualifications of state bank examiners; etc.; and declaring an emergency."

H. B. No. 703, A bill to be entitled "An Act amending Acts 1951, 52nd Legislature, Chapter 211, authorizing navigation districts with respect to the proceedings under which revenue bonds are issued, to reserve the right under conditions therein specified, to issue additional bonds which will be on a parity with, senior to or subordinate to the bonds being issued; making a finding with respect to publication; and declaring an emergency."

H. B. No. 1288, A bill to be entitled "An Act conferring general jurisdiction in probate proceedings on the County Court at Law of Cameron County; etc.; and declaring an emergency."

H. B. No. 1092, A bill to be entitled "An Act authorizing proration of taxes and release of tax liens on land acquired for public purposes; and declaring an emergency."

H. B. No. 1335, A bill to be entitled "An Act creating a conservation and reclamation district under the provisions of Article XVI, Section 59, Constitution of Texas, to be known as Quail Valley Utility District of Fort Bend County, Texas; etc.; and declaring an emergency."

H. B. No. 1383, A bill to be entitled "An Act amending Chapter 712, page 1648, Acts of the 59th Legislature, Regular Session, 1965 (codified as Article 8280-339, Vernon's Texas Civil Statutes), to require that after May 1, 1969; three (3) of the directors of Galveston County Water Authority of Galveston County, Texas, shall be appointed by the Commissioners' Court of Galveston County upon recommendation of the City Council of

the City of Galveston, and one (1) of the three (3) shall be one (1) of the three (3) registered professional engineers mentioned in Section 5 thereof; and declaring an emergency."

H. B. No. 1387, A bill to be entitled "An Act relating to any city to which Article 1269j-4.1 shall apply and to any county having a population in excess of 500,000, according to Federal Census, which has issued bonds to construct and equip a coliseum or stadium; etc.; and declaring an emergency."

#### Conference Committee on House Bill 930

Senator Creighton called from the President's table for consideration at this time, the request of the House for a Conference Committee to adjust the differences between the two Houses on H. B. No. 930 and moved that the request be granted.

The motion prevailed.

The President asked if there were any motions to instruct the Conference Committee on H. B. No. 930 before appointment.

There were no motions offered.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Creighton, Christie, Herring, Moore and Cole.

#### Motion in Writing

Senator Hall submitted the following Motion in Writing:

Hon. Ben Barnes, President of the Senate.

Dear Mr. President:

Notice is hereby given of the intent to hold a Local and Uncontested Bills Calendar at 8:00 a.m., Thursday, May 22, 1969.

RALPH M. HALL, Chairman,  
Local and Uncontested Calendar

The Motion in Writing was read and was adopted.

#### Message From the House

Hall of the House of Representatives  
Austin, Texas,  
May 21, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 781, A bill to be entitled "An Act creating the Texas Optometry Board; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

#### House Bill 1403 Ordered Not Printed

On motion of Senator Wilson, and by unanimous consent, H. B. No. 1403 was ordered not printed.

#### House Bill 754 Ordered Not Printed

On motion of Senator Wilson, and by unanimous consent, H. B. No. 754 was ordered not printed.

#### House Bill 1382 Ordered Not Printed

On motion of Senator Wilson, and by unanimous consent, H. B. No. 1382 was ordered not printed.

#### House Bill 1437 Ordered Not Printed

On motion of Senator Wilson, and by unanimous consent, H. B. No. 1437 was ordered not printed.

#### House Bill 808 Ordered Not Printed

On motion of Senator Bridges, and by unanimous consent, H. B. No. 808 was ordered not printed.

#### House Bill 1011 Ordered Not Printed

On motion of Senator Bridges, and by unanimous consent, H. B. No. 1011 was ordered not printed.

#### House Bill 1063 Ordered Not Printed

On motion of Senator Bridges, and by unanimous consent, H. B. No. 1063 was ordered not printed.

#### House Bill 1336 Ordered Not Printed

On motion of Senator Moore, and by unanimous consent, H. B. No. 1336 was ordered not printed.

#### House Bills on First Reading

The following bills received from the House, were read the first time and referred to the Committees indicated:

H. B. No. 240, To Committee on Education.

H. B. No. 1416, To Committee on Water and Conservation.

**Reports of Standing Committees**

Senator Hall, by unanimous consent, submitted the following report:

Austin, Texas,  
May 21, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on County, District and Urban Affairs, to which was referred H. B. No. 1371, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.

Senator Connally, by unanimous consent, submitted the following reports:

Austin, Texas,  
May 14, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Parks and Wildlife, to which has been referred House Bill 736, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CONNALLY,  
Chairman  
KENNARD  
HARRINGTON  
WILSON  
BLANCHARD

Austin, Texas,  
May 14, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Parks and Wildlife, to which has been referred House Bill 310, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CONNALLY,  
Chairman  
KENNARD  
HARRINGTON  
WILSON  
BLANCHARD

**Message From the House**

Hall of the House of Representatives  
Austin, Texas,  
May 21, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 287, A bill to be entitled "An Act relating to the licensing of persons who fit and dispense hearing aids; relating to the creation, organization, powers, duties, and procedures of the Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids; providing for certain prohibited acts; providing for penalties; and declaring an emergency."

(With Amendments.)

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

**House Bill 37 Re-referred**

On motion of Senator Bridges, and by unanimous consent, H. B. No. 37 was withdrawn from the Committee on Jurisprudence and re-referred to the Committee on State Departments and Institutions.

**Motion of Re-Refer House Bill 42**

Senator Bernal asked unanimous consent to re-refer H. B. No. 42 from the Committee on State Affairs to the Committee on State Departments and Institutions.

There was objection.

Question—Shall H. B. No. 42 be withdrawn from the Committee on State Affairs and re-referred to the Committee on State Departments and Institutions?

**Recess**

On motion of Senator Creighton the Senate at 12:17 o'clock p.m. took recess until 1:30 o'clock p.m. today.

**After Recess**

The President called the Senate to order at 1:30 o'clock p.m. today.

**Motion to Re-refer House Bill 42**

The Senate resumed the pending business, same being a motion by Senator Bernal that H. B. No. 42 be

withdrawn from the Committee on State Affairs and re-referred to the Committee on State Departments and Institutions.

Question—Shall H. B. No. 42 be withdrawn from the Committee on State Affairs and re-referred to the Committee on State Departments and Institutions.

(Senator Snelson in the Chair.)

Pending discussion by Senator Moore of the motion to re-refer H. B. No. 42, Senator Bates occupied the Chair.

Question—Shall H. B. No. 42 be withdrawn from the Committee on State Affairs and re-referred to the Committee on State Departments and Institutions?

#### Message From the House

Hall of the House of Representatives  
Austin, Texas,  
May 21, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 137, In memory of Captain John Yeatts.

H. C. R. No. 138, Expressing appreciation to Ted Felds.

H. C. R. No. 139, In memory of T. Carr Forrest.

H. C. R. No. 141, In memory of Mrs. Georgia Tucker Laschinger.

H. C. R. No. 118, Creating Natural Fibers and Textile Development Committee.

S. B. No. 74, A bill to be entitled "An Act authorizing and regulating the use and performing of chemical tests under certain conditions on motor vehicle drivers to determine intoxication; etc.; and declaring an emergency."

(With Amendments.)

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

#### Report of Standing Committee

Senator Kennard, by unanimous consent, submitted the following report:

Austin, Texas,  
May 16, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Public Health, to which was referred H. B. No. 833, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KENNARD, Chairman  
BROOKS  
CHRISTIE  
HARRINGTON  
JORDAN  
SNELSON  
WORD

#### House Bill 833 Ordered Not Printed

On motion of Senator Strong, and by unanimous consent, H. B. No. 833 was ordered not printed.

#### House Bill 790 Re-Referred

On motion of Senator Kennard, and by unanimous consent, H. B. No. 790 was withdrawn from the Committee on State Affairs and re-referred to the Committee on Parks and Wildlife.

#### Senate Bill 287 with House Amendments

Senator Hightower called S. B. No. 287 from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the following House amendments before the Senate:

#### Amendment No. 1

Amend Subsection (c) of Section 9 of Senate Bill 287 to delete the term "6 months" and substitute the term "one year."

#### Amendment No. 2

Amend Subsection (10) of Section 10 of Senate Bill 287 by adding the word "knowingly" immediately after the word "licensee" in the first line of said subsection.

#### Amendment No. 3

Amend Subsection (d) of Section 13 of Senate Bill 287 to read as follows: "(d) After the Board shall have cancelled a license for nonpayment of the annual renewal fee, the

Board may refuse to issue a new license until such fitter and dispenser of hearing aids has paid all previous unpaid annual fees."

#### Amendment No. 4

Amend Subsection (e) of Section 11 of Senate Bill 287 by substituting therefor, the following:

"(e) The Board shall determine the charges upon their merits. The Board shall enter an order in the permanent records of the Board setting forth the findings of fact and law of the Board and its action thereon. A copy of such order of the Board shall be mailed to such applicant or licensee to his last known address by certified mail."

#### Amendment No. 5

Amend Subsection (c) of Section 11 of Senate Bill 287 by deleting the period and adding the following: "... and cross-examine opposing or adverse witnesses."

#### Amendment No. 6

Amend Subsection (a) of Section 12 of Senate Bill 287 to delete the number \$5.00 and substitute, therefor, the number \$10.00.

#### Amendment No. 7

Amend Senate Bill 287 by deleting Subsection (b) of Section 6 and substituting, therefor, the following:

"(b) The applicant shall make application, furnishing to the Secretary-Treasurer of the Board on forms to be furnished by the Board, sworn evidence that he has attained the age of 18 years, is of good moral character, is free of contagious or infectious disease, and has graduated from an accredited high school or equivalent, and such other information as the Board may deem necessary for the enforcement of this Act."

#### Amendment No. 8

Amend Senate Bill 287 by deleting Section 7 and substituting therefor, the following:

"Sec. 7. License Without Examination.

Within 120 days after the effective date of this Act, and not thereafter, any person engaged in fitting and dispensing hearing aids on the ef-

fective date of this Act, shall be registered by the Board as passing the qualifications of this Act and shall receive from the Board a license to fit and dispense hearing aids in this state without taking the examination provided for in this Act upon presentation, in writing, by such person to the Secretary-Treasurer of the Board on forms to be furnished by the Board, sworn evidence that such person has attained the age of 18 years of age, is of good moral character, is free of contagious or infectious diseases and has been engaged in fitting and dispensing hearing aids in the United States of America for a period of at least one year immediately prior to the effective date of this Act."

#### Amendment No. 9

Amend Section 16 of Senate Bill No. 287 by deleting the last sentence of said section.

The House amendments were read.

Senator Hightower moved that the Senate concur in the House amendments.

The motion prevailed.

#### Motion to Re-Refer House Bill 42

The Senate resumed consideration of the pending business, same being a motion by Senator Bernal that H. B. No. 42 be withdrawn from the Committee on State Affairs and re-referred to the Committee on State Departments and Institutions.

Question—Shall H. B. No. 42 be withdrawn from the Committee on State Affairs and re-referred to the Committee on State Departments and Institutions?

(President in the Chair.)

Pending discussion by Senator Moore of the motion to re-refer, Senator Wilson moved that the Senate take recess until 8:00 o'clock a.m. tomorrow.

Question on the motion to take recess, "Yeas" and "Nays" were demanded.

The motion to take recess was lost by the following vote:

Yeas—10

Blanchard	Grover
Creighton	Harris



Herring  
Moore  
Ratliff

Strong  
Wilson  
Word

Nays—20

Aikin  
Bates  
Bernal  
Berry  
Bridges  
Brooks  
Christie  
Cole  
Hall  
Harrington

Hazlewood  
Hightower  
Jordan  
Kennard  
Mauzy  
McKool  
Patman  
Schwartz  
Snelson  
Watson

Absent

Connally

Question—Shall H. B. No. 42 be withdrawn from the Committee on State Affairs and re-referred to the Committee on State Departments and Institutions?

#### Reports of Standing Committee

Senator Creighton, by unanimous consent, submitted the following report:

Austin, Texas,  
May 21, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Water and Conservation to which was referred H. B. No. 1406, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CREIGHTON, Chairman.

Senator Hall, by unanimous consent, submitted the following reports:

Austin, Texas,  
May 21, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on County, District and Urban Affairs to which was referred H. B. No. 486, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman  
WORD

Austin, Texas,  
May 21, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on County, District and Urban Affairs to which was referred H. B. No. 1297, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman  
WORD

Austin, Texas,  
May 21, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on County, District and Urban Affairs to which was referred H. B. No. 747, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman  
WORD

#### House Bill 753 Re-Referred

On motion of Senator Hightower, and by unanimous consent, H. B. No. 753 was withdrawn from the Committee on Jurisprudence and re-referred to the Committee on County, District and Urban Affairs.

#### Senate Concurrent Resolution 92 Ordered Not Printed

On motion of Senator Schwartz and by unanimous consent S. C. R. No. 92 was ordered not printed.

#### House Bill 1406 Ordered Not Printed

On motion of Senator Schwartz and by unanimous consent H. B. No. 1406 was ordered not printed.

#### House Bill 486 Ordered Not Printed

On motion of Senator Hightower and by unanimous consent H. B. No. 486 was ordered not printed.

#### House Bill 747 Ordered Not Printed

On motion of Senator Hightower and by unanimous consent H. B. No. 747 was ordered not printed.

#### House Bill 1297 Ordered Not Printed

On motion of Senator Hightower and by unanimous consent H. B. No. 1297 was ordered not printed.

**House Bill 310 Ordered Not Printed**

On motion of Senator Kennard and by unanimous consent H. B. No. 310 was ordered not printed.

**House Bill 736 Ordered Not Printed**

On motion of Senator Kennard and by unanimous consent H. B. No. 736 was ordered not printed.

**Report of Standing Committee**

Senator Hall, by unanimous consent, submitted the following report:

Austin, Texas,  
May 21, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on County, District and Urban Affairs to which was referred H. B. No. 753, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman  
WORD

**House Concurrent Resolution 137 on Second Reading**

On motion of Senator Kennard, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time the following resolution:

H. C. R. No. 137, Memorial resolution for Captain John Yeatts.

The resolution was read.

On motion of Senator Kennard, and by unanimous consent, the resolution was considered immediately and was adopted by a rising vote of the Senate.

**Bills Signed**

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills:

H. B. No. 874, A bill to be entitled "An Act creating and establishing a Conservation and Reclamation District under and essential to the purposes of Article 16, Section 59 of the Constitution of Texas, to be known as 'Chimney Rock Municipal Utility District'; etc., and declaring an emergency."

H. B. No. 1370, A bill to be entitled "An Act creating Sulphur Springs

Water District, a conservation district, under Article XVI, Section 59 of the Constitution, comprising the territory contained in the City of Sulphur Springs, etc., and declaring an emergency."

H. B. No. 122, A bill to be entitled "An Act amending Chapter 75, Acts of the Regular Session, 50th Legislature establishing and regulating the Texas Municipal Retirement System; etc.; and declaring an emergency."

H. B. No. 749, A bill to be entitled "An Act relating to reports of accidents by officers or agencies to the Department of Public Safety; making the reports public records and providing for obtaining copies; etc.; and declaring an emergency."

H. B. No. 75, A bill to be entitled "An Act relating to the establishing, maintaining, supporting, and managing the University of Texas (Clinical) Nursing School in Bexar County, Texas; etc.; and declaring an emergency."

**House Bill 753 Ordered Not Printed**

On motion of Senator Hightower and by unanimous consent H. B. No. 753 was ordered not printed.

**Senate Bill 74 With House Amendments**

Senator Creighton called S. B. No. 74 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the following House amendments before the Senate:

**Committee Amendment No. 1**

Amend S. B. 74, by substituting the following Section 3, Sub-Section (b) in lieu of Section 3, Sub-Section (b) as shown in the printed bill:

"Section 3(b). Chemical analysis of the person's breath, to be considered valid under the provisions of this section, must be performed according to methods approved by the Texas Department of Public Safety and by an individual possessing a valid certificate issued by the Texas Department of Public Safety for this purpose. The Texas Department of Public Safety is authorized to approve satisfactory techniques or methods, to ascertain the qualifications and competence of individuals to conduct such analysis, and to issue certificates certifying such fact.

These certificates shall be subject to termination or revocation, for cause, at the discretion of the Texas Department of Public Safety."

#### Committee Amendment No. 2

Amend Senate Bill No. 74 by adding a new Section 5 and renumbering the subsequent section. The new Section 5 reads as follows:

Sec. 5. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

The House amendments were read.

Senator Creighton moved that the Senate concur in the House amendments.

Question—Shall the Senate concur in House amendments to S. B. No. 74?

#### Message From the House

Hall of the House of Representatives  
Austin, Texas,  
May 21, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 94, In memory of Lt. General H. Miller Ainsworth.

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

#### Senate Concurrent Resolution 96

Senator Brooks offered the following resolution:

S. C. R. No. 96, Expressing appreciation for the notable achievements of the Houston Job Fair.

Whereas, May is "Youth Opportunity Month, and the Job Fair in Houston has made an outstanding contribution to the State of Texas in providing jobs for thousands of young people in the Houston area; and

Whereas, Houston's Job Fair is ranked "best in the State," and Governor Preston Smith sent congratula-

tion to Houston Mayor Louie Welch and his administrative assistant, Dr. Blair Justice, on the success of the endeavor; and

Whereas, In this year's Job Fair, a total of 2,760 jobs were available and 1,910 have been filled. Job Fair organizers speculate that these remaining jobs will soon be filled by qualified applicants; and

Whereas, The city of Houston is providing a great service to the youth of the State of Texas through its annual Job Fair, and the work experience offered these young people will greatly benefit them in years to come; now, therefore, be it

Resolved by the Senate of the 61st Legislature, the House of Representatives concurring, That the Legislature of the State of Texas commend the leaders of Houston's Job Fair for their great service to the young people of the State of Texas; and, be it further

Resolved, That a copy of this Resolution be prepared for Houston Mayor Louie Welch as an expression of appreciation from the 61st Legislature of the State of Texas for the notable achievement of the Houston Job Fair.

BROOKS  
JORDAN  
COLE

The resolution was read.

On motion of Senator Brooks, and by unanimous consent, the resolution was considered immediately and was adopted.

#### Memorial Resolutions

S. R. No. 882—By Senator Wilson: Memorial resolution for Specialist 4 Jerry Elmer Thompson.

S. R. No. 893—By Senator Berry: Memorial resolution for Leonard Brown, Sr. (amended).

#### Welcome and Congratulatory Resolutions

S. R. No. 875—By Senator McKool: Commending students of James Madison High School of Dallas for their many accomplishments.

S. R. No. 876—By Senator Watson: Extending welcome to Jay Naman of Waco.

S. R. No. 877—By Senator Watson: Extending welcome to Warren Little of Waco.

S. R. No. 878—By Senator Wilson: Extending congratulations to Janie Wofford, Salutatorian of Frankston High School.

S. R. No. 879—By Senator Wilson: Extending congratulations to Barbara Martin, Salutatorian of Frankston High School.

S. R. No. 880—By Senator Wilson: Extending congratulations to Tony Smith, Valedictorian of Frankston High School.

S. R. No. 881—By Senator Wilson: Extending congratulations to Bob Whitehurst on his achievements.

S. R. No. 883—By Senator Wilson: Extending congratulations to Donna Smith on her achievements.

S. R. No. 884—By Senator Word: Extending welcome to sponsor and students of Jonesboro High School Senior Class.

S. R. No. 885—By Senator Herring: Extending welcome to teacher and students of Eanes Elementary School of Austin.

S. R. No. 886—By Senator Wilson: Extending congratulations and best wishes to Miss Ina Mae Townsend on her retirement.

S. R. No. 887—By Senator Wilson: Extending congratulations and best

wishes to Mrs. Ethel Latimer Abney on her retirement.

S. R. No. 888—By Senator Wilson: Extending congratulations and best wishes to Mrs. Mary Edwards Logan on her retirement.

S. R. No. 889—By Senator Wilson: Extending congratulations and best wishes to Mrs. Olivia Ashford Hackney on her retirement.

S. R. No. 890—By Senator Kennard: Granting the privileges and honor of Texas Citizenship to Miss Susan Neville Schieffer.

S. R. No. 891—By Senator Watson: Extending welcome to Harvey Davis of Temple.

S. R. No. 892—By Senator Watson: Extending welcome and privileges of the floor for the day to Dr. L. M. Morton of Killeen.

#### Recess

On motion of Senator Aikin, the Senate at 2:55 o'clock p.m. took recess until 8:00 o'clock a.m. tomorrow.

#### APPENDIX

Sent to Governor

May 21, 1969

S. B. No. 356

S. C. R. No. 46

In Memory of  
**Lt. General H. Miller Ainsworth**

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Senator Herring offered the following resolution:

(Senate Concurrent Resolution 94)

Whereas, Lt. General H. Miller Ainsworth of Luling, veteran of two wars, successful businessman, and prominent civic leader, died Thursday, May 12, 1969; and

Whereas, Born October 23, 1894, in Austin, he attended Texas A&M College and served as an infantry officer during World War I; again called to active duty in 1940 he went overseas with the 36th Infantry Division as an Infantry Combat Officer. He won many decorations including the Combat Infantry Badge, the Bronze and Silver Stars, and the Texas Distinguished Service Medal; and

Whereas, As a businessman, he was active in banking circles for over forty years and was president of the First National Bank of Luling; he was instrumental in the discovery of the Luling oil field and was a pioneer in the development of the oil and gas industry in the Luling area; and

Whereas, General Ainsworth was a leader in the reorganization of the National Guard following World War II and served as Commander of the 36th National Guard Division from 1948 to 1953; and

Whereas, In addition to being an active worker in the Democratic Party, he served for six years as President of the Board of Directors of Texas A&I College, was a member and later Chairman of the Board of Trustees of the Luling Foundation; and

Whereas, It is the wish of the Legislature of the State of Texas to pay tribute to this outstanding man who gave so freely of himself as a citizen and served his country so well as a soldier; and to extend deep sympathy to his family: his wife, Mrs. Annie G. Ainsworth, his son H. Miller Ainsworth, Jr., and his four brothers, A. G. Ainsworth, Sr., of Gonzales, Dr. W. H. Ainsworth, Jr., of Galveston, Edward Ainsworth of Amarillo, and Ford Ainsworth of Kerrville; now, therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That the Legislature express the gratitude of all the members for the many accomplishments of General H. Miller Ainsworth and his contribution to his country; and, be it further

Resolved, That copies of this Resolution be prepared for the family and that when the Senate and House adjourn this day they do so in memory of Lt. General H. Miller Ainsworth.

HERRING

Signed: Lieutenant Governor Ben Barnes; Aikin, Bates, Bernal, Berry, Blanchard, Bridges, Brooks, Christie, Cole, Connally, Creighton, Grover, Hall, Harrington, Harris, Hazlewood, Hightower, Jordan, Kennard, Mauzy, McKool, Moore, Patman, Ratliff, Schwartz, Snelson, Strong, Watson, Wilson and Word.

The resolution was read.

On motion of Senator Hightower, and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Herring, and by unanimous consent, the resolution was considered immediately and was adopted by a rising vote of the Senate.